



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

AGENDA TUOLUMNE COUNTY BOARD OF SUPERVISORS PLANNING COMMITTEE

COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET, FOURTH FLOOR
BOARD OF SUPERVISORS CHAMBERS

September 17, 2020
1:30 p.m.

48 Yanez Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

IMPORTANT PUBLIC NOTICE: Under the Governor's Executive Order N-25-20, this meeting will allow members of the Planning Committee to participate by teleconference; and under Order N-29-20, Accessibility Requirements, if you need swift special assistance during the Planning Committee meeting, please call 209-770-5423.

PUBLIC PARTICIPATION PROCEDURES

In order to protect public health and the safety of Tuolumne County citizens, this meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in this meeting, please use the following link: <https://us02web.zoom.us/j/81260008956> For detailed Zoom instructions go to the Agenda Packet <https://www.tuolumnecounty.ca.gov/136/Board-of-Supervisors-Planning-Committee>

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (qyaley@co.tuolumne.ca.us) for retention as part of the administrative record. Comments will not be read during the meeting. Comments must be received by the Community Development Department no later than 9:00 AM on the day of the noticed meeting.

1. PUBLIC FORUM

The public may speak on any item not on the printed agenda. No action may be taken by the Committee. The amount of time allocated for the public forum is limited to 15 minutes.

2. PLANNING COMMITTEE BUSINESS

- A. Consideration of the Minutes of the meeting of June 18, 2020
- B. Reports – Staff and Committee Members

3. NEW ITEMS

- A. Consideration of a Recommendation to the Board of Supervisors Concerning the adoption of a County Accessory Dwelling Unit Ordinance.

Adjournment

* The Board of Supervisors Planning Committee serves as an advisory group to the Board of Supervisors for reviewing, commenting on and recommending new and/or modifications to existing policy related to land use and development regulations. In conducting its work, the Committee is to attempt to balance the needs of the individual with the needs of all county residents by encouraging economic growth and promoting the stewardship of the county's natural resources and cultural heritage.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

August 17, 2020

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
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TO: Committee and Commission Members

FROM: Quincy Yaley, AICP Community Development Department Director

RE: Public Hearing Procedures

In light of current COVID 19 Health Orders, all committee and commission meetings being held via the Zoom Platform.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Chair may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a “public hearing”, public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each committee and commission member to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

September 10, 2020

TO: Committee and Commission Members

FROM: Quincy Yaley, AICP Community Development Department Director

RE: Zoom Video and Teleconference for Committee and Commission Meetings

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In response to increasing risks of exposure to the coronavirus (COVID-19), all committee and commission meetings will be conducted and participated via Zoom. Video conferencing via Zoom will allow the committee/commissions and County to adhere to social distancing requirements of the Brown Act and allow the public to provide public comment live during the meeting. The Chair of the meeting will set the time length public comment at each item. You are not required to identify yourself in order to provide comments during the meeting.

Below is the Zoom link and Webinar ID needed to participate or observe the meeting:

- Click the link to join the webinar: <https://us02web.zoom.us/j/81260008956>
- Meeting ID: 812 6000 8956

Or iPhone one-tap:

US: +16699006833,,81260008956# or +12532158782,,81260008956#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

International numbers available: <https://us02web.zoom.us/j/81260008956>

The public can view the meeting from their smartphone, on their computer browser, or listen on their telephone. Zoom does not require an account to attend the meeting, but if the public wishes to create one, their basic accounts are free.

Members of the public can also choose to watch the meeting and do not have to comment during the meeting. If a member of the public does not want to provide public comment live, they can provide public comment prior to the meeting via email to the Community Development Department Director at gyaley@co.tuolumne.ca.us. If you would like your comments to be included in the record, please send comments to the above email address by 9:00 a.m. of the day of the noticed meeting.

If anyone is having technical difficulties with Zoom, they can visit Zoom's support page for helpful tips: <https://support.zoom.us/hc/en-us/categories/201146643>.

Below are step by step instructions on how to join and interact as an attendee via Zoom.

JOINING A WEBINAR BY LINK

- To join the webinar, click the link that we provided above
- If you are signed in, change your name if you do not want your default name to appear.
- If you are not signed in, enter a display name.

MANUALLY JOINING A WEBINAR

- Use the 9-digit meeting ID/webinar ID as identified in the Agenda
- Sign in to the Zoom Desktop or Mobile App
- Click or tap **Join a Meeting**
- Enter the 9-digit webinar ID, and click **Join** or tap **Join Meeting**
- If prompted, enter your name and email, then click **Join Webinar** or tap **Join**.
- You may change your name if you do not want your default name to appear, as you are not required to state your name.

WAITING FOR HOST TO START THE WEBINAR

- If the host has not started broadcasting the webinar, you'll receive a message letting you know to "Please wait for the host to start the meeting".

PUBLIC COMMENT

- During the public comment period you will have the option to "raise your hand" if you would like to comment on a proposed project or during the public comment portion of the meeting.
- Once you have clicked the "raise your hand" option, please wait until a staff unmutes your microphone.
- Once staff has unmuted you will have three minutes to speak.
- A staff member will verbally communicate to you and the Commissioners when you have 30 seconds remaining and then when your time is up.
- Once your allotted time is up, a staff member will mute and "lower your hand".
- If you are participating from your smartphone, you will also have a "raise their hand" feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment.
- If you are participating via telephone call, you will need to press *9 (star 9) to "raise their hand", and when you are unmuted you will hear "you are unmuted" allowing you to provide public comment.

END OF MEETING

- If you would like to leave the meeting before it ends, click **Leave meeting**. If you leave, you can rejoin if the webinar is still in progress, as long as the host has not locked the webinar.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

September 1, 2020

48 Yaney Avenue, Sonora
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TO: Board of Supervisors Planning Committee

FROM: Quincy Yaley, Community Development Director
Sheila Shanahan, Community and Housing Programs Manager

RE: Consideration of a Recommendation to the Board of Supervisors Concerning the Adoption of a County Accessory Dwelling Unit Ordinance.

BACKGROUND INFORMATION

The Board of Supervisors approved a \$160,000 State Department of Housing and Community Development SB 2 Planning Grant application at their August 20, 2019 meeting, and the grant was subsequently awarded. The bulk of the funds are being used to update Title 17 of the County Zoning Code as it relates to residential development and to create an Accessory Dwelling Unit Ordinance that complies with recent state legislation. The County hired PlaceWorks to update Title 17 and create the ADU Ordinance, and they have created drafts of both. Staff is currently reviewing and revising the draft of Title 17 and will bring any drafts with housing related topics to your committee once that process is completed.

The draft ADU Ordinance is ready for your review and a copy is attached. The PlaceWorks consultants will make a presentation to your committee and solicit comments on the draft. Committee members are encouraged to review the draft before the meeting so that we can engage in a robust discussion. This is an opportunity to review the document early in the development process and provide feedback as we move forward.

ENVIRONMENTAL REVIEW

Pursuant to Section 21080.17 of the California Public Resources Code, the adoption of the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). The ordinance implements Government Code Section 65852.2 within the County of Tuolumne in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA.

RECOMMENDATION

It is recommended that your committee consider the proposed Accessory Dwelling Unit Ordinance, provide comments, and make a recommendation to the Board of Supervisors.

Chapter 17.36

ACCESSORY DWELLING UNITS

[COUNTY: COMPLETELY NEW TEXT IN THIS CHAPTER. ALL EXISTING TEXT IN SECTION 17.52.200 IS SUPERSEDED BY CURRENT STATE LAW]

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Locations Permitted.**
- 17.36.030 Permit Required.**
- 17.36.040 Junior Accessory Dwelling Units.**
- 17.36.050 Development Standards.**
- 17.36.060 Other Provisions.**
- 17.36.070 Code Enforcement.**
- 17.36.080 Compliance with State Law.**

17.36.010 Purpose. The purpose of this chapter is to provide regulations and criteria for the establishment and location of accessory dwelling units in compliance with Government Code Section 65852.2.

17.36.020 Locations Permitted. Accessory dwelling units and junior accessory dwelling units are allowed in districts zoned to allow single-family or multifamily uses, subject to the permit requirements of applicable zone districts and compliance with the development standards of this chapter.

17.36.030 Permit Required. An accessory dwelling unit or junior accessory dwelling unit may be attached to or detached from an existing or proposed single-family or multifamily dwelling upon the issuance of a permit in accordance with this chapter. An attached accessory dwelling unit may also be attached to or placed within garages, storage areas, or an accessory structure. The Director shall approve a permit for an accessory dwelling unit and/or junior accessory dwelling unit meeting the development standards of this chapter and consistent with Section 65852.2 of the Government Code.

A. Processing of Permit. A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, in accordance with Section 65901 or 65906 of the Government Code and all local ordinance provisions

regulating the issuance of variances or special-use permits, as follows.

1. On Lots that allow Single-Family Dwellings.
 - a. An attached accessory dwelling unit or junior accessory dwelling unit shall be allowed subject to the following:
 - i. The accessory dwelling unit or junior accessory dwelling unit is within the enclosed, conditioned space of a proposed or existing single-family dwelling; or
 - ii. The accessory dwelling unit or junior accessory dwelling unit is within an existing accessory structure.
 - iii. May include an expansion of not more than 150 square feet beyond the current physical dimensions of the existing accessory structure solely to accommodate ingress and egress.

- iv. The unit has exterior access from the proposed or existing single-family dwelling.
 - b. A detached, new construction, accessory dwelling unit on a lot with a proposed or existing single-family dwelling. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings (see Government Code Section 65852.2(e)(1)(A) and (B).
 - c. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph a.i. for the purposes of a single permit.
2. On Lots that allow Multifamily Dwellings.
- a. Multifamily structures may be allowed accessory dwelling units in a total amount of up to 25 percent of the number of total principal units entitled on the property. At least one accessory dwelling unit must be allowed.
 - b. Accessory dwelling or junior accessory dwelling units may be provided within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - c. No more than two accessory dwelling units may be detached from a primary multifamily structure.
- B. The County of Tuolumne (County) shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
- C. Timing
- 1. The County shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the County receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the County does not act within 60 days, the application shall be deemed approved.
 - 2. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the County may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the County acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.
 - 3. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- D. The County shall not issue a certificate of occupancy for an accessory dwelling unit before the certificate of occupancy is issued for the primary residence.
- 17.36.040 Junior accessory dwelling units.** In addition to complying with Government Code Section 65852.2, junior accessory dwelling units shall comply with the following:
- A. When a junior accessory dwelling unit is permitted, the owner must reside on the

property. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, housing organization, or other 501(c)(3) organization.

B. A junior accessory dwelling unit may not be detached from the proposed or existing primary residence.

C. A junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing primary residence.

D. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include:

1. A cooking facility with appliances; and
2. A food preparation counter and storage cabinets that are of useable size.

E. Parking shall not be required as a condition to permit a junior accessory dwelling unit.

F. No subdivision of this County Code of Ordinances shall be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if a junior accessory dwelling unit complies with applicable development standards.

G. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner of the lot or parcel on which it is to be constructed shall record a deed restriction in a form satisfactory to the County attorney that includes the following:

1. A prohibition of the sale of the junior accessory dwelling unit separately from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers; and
2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with Section 65852.2 of the Government Code that regulates accessory dwelling units.

A. The living area of a detached accessory dwelling unit shall not exceed 1,200 square feet. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary residence's living area, with a maximum increase in floor area of 1,200 feet.

B. An accessory dwelling unit shall not exceed 16 feet in height and shall be set back at least four feet from side and rear property lines.

C. No setback shall be required for an existing living area, garage, or other accessory structure that is converted to an accessory dwelling unit (or portion of accessory dwelling unit) with the same dimensions as the existing structure, and a setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

D. Except as otherwise provided in this chapter, the accessory dwelling unit shall not increase an existing or create a new encroachment upon any required front, side, or rear yard space, increase building height or coverage beyond the standards prescribed for the district in which it is located, or decrease the distance between structures that is required.

E. No passageway or entrance within view of a street shall be required in conjunction with the construction of an accessory dwelling unit.

F. An accessory dwelling unit shall include at least one bathroom, one kitchen, and one living/dining room.

G. Septic Systems

1. Where a septic system is used for the proposed ADU, approval by the local health officer will be required, as allowed by Government Code Section 65852.2(a)(1)(D)(ix).
2. A percolation test completed within the last five years shall also be required, or, if the percolation test has been recertified, within the last 10 years, as allowed by Government Code Section 65852.2(e)(5).

H. Fees

1. Notwithstanding any provision to the contrary contained in this code (or in any code adopted by reference in this code), an accessory dwelling unit may be connected to the county

17.36.050 Development Standards. The following development standards shall apply to all accessory dwelling units.

- sewerage system through a side sewer shared with the existing residence on the site, or it may have its own side sewer. In either case, the connection of the accessory dwelling unit to the county sewerage system is subject to the requirements of this Chapter 17.36, including obtaining applicable permits, paying connection charges (where applicable), and paying user charges. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, and other utilities as defined, unless the accessory dwelling unit was constructed with a new single-family dwelling. Separate metering of utilities is not required for attached accessory dwelling units but is required for detached accessory dwelling units.
2. Fees will be charged for the construction of accessory dwelling units in accordance with Title 3 of the Tuolumne County Code of Ordinances and state law. The County, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Impact fees include school fees. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
 3. A connection fee shall not be collected for water, sewer, power, or other utility for a junior accessory dwelling unit.
- I. Fire sprinklers are not required for accessory dwelling units if they are not required for the existing or proposed single-family or multifamily residence.
 1. For purposes of fire or life-protection regulations, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
 - J. An accessory dwelling unit may be rented, but it shall not be offered for sale apart from the principal unit, nor shall the lot or parcel be subdivided to create a separate building site unless approved pursuant to the subdivision ordinance of this County. No accessory dwelling unit may be offered for rental terms of less than 30 days.
 1. Notwithstanding Section 17.36.050.I, the County may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all the following apply:
 - a. The property was built or developed by a qualified nonprofit corporation.
 - b. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit that satisfies all the requirements of paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
 - c. The property is held pursuant to a recorded tenancy in common agreement that includes all the following provisions:
 - i. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the

- dwelling each qualified buyer occupies.
 - ii. A repurchase option that requires the qualified buyer first offer the qualified nonprofit corporation the opportunity to buy the property if the buyer desires to sell or convey the property.
 - iii. A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - iv. Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to qualified buyer.
 - d. A grant deed naming the grantor and grantee and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 - e. Notwithstanding any provisions in Section 17.36.050 of this code, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.
- K. Except as otherwise provided in this chapter, accessory dwelling units shall comply with all uniform building codes adopted, and all other applicable laws, rules, and regulations. An accessory dwelling unit may consist of manufactured housing if such housing is permitted in the district in which it is proposed to be located and meets the standards for such housing.
- L. Parking
1. Parking provided shall not exceed one space per unit or per bedroom, whichever is less. Such additional space may be a tandem space in a driveway or offstreet within setback areas provided in locations approved by the County. Tandem parking and the location of offstreet parking within setback areas shall be approved by the County unless specific findings can be made that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions.
 2. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those offstreet parking spaces are not required to be replaced.
 3. No additional offstreet parking spaces shall be required for accessory dwelling units in locations meeting the following criteria:
 - a. The unit is located within one-half mile walking distance of public transit.
 - b. The unit is located within a historic district.
 - c. The accessory dwelling unit is part of a proposed or existing primary residence or accessory structure.

- d. On-street parking permits are required but not available to the occupant of the accessory dwelling unit.
- e. There is a car-share vehicle located within one block of the accessory dwelling unit.

17.36.060 Other Provisions.

A. This section shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

B. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under Chapter 17.36.

C. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

17.36.070 Code Enforcement. The code enforcement officer may from time to time conduct a review of accessory dwelling units within the county. The code enforcement officer or designee may enforce all provisions of this code and provisions of state law pertaining to the development, occupation, and maintenance of residential properties and accessory dwelling units, pursuant to the following provisions:

- A. A code enforcement officer may report:
 - 1. A change in ownership of the lot or parcel of land on which the residential units are situated.
 - 2. A change in the occupancy of the residential units that is not in compliance with this section.

B. A code enforcement officer may issue to an owner of an accessory dwelling unit a notice to correct a violation of any provision of any building standard or any failure to comply with this section. The code enforcement officer shall include in that notice a statement that the owner

of the unit has a right to request a delay in enforcement pursuant to the following findings:

- 1. The accessory dwelling unit was built before January 1, 2020
- 2. The accessory dwelling unit was built on or after January 1, 2020; however, at the time the unit was built, the County had a noncompliant accessory dwelling unit ordinance, but the unit is compliant at the time the request is made.

C. The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in Section 17.36.070, may submit an application to the County requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.

- 1. The County shall grant an application described in Section 17.36.070.C if it is determined that correcting the violation is not necessary to protect health and safety. In making this determination, the zoning administrator shall consult with the code enforcement officer, building official, and/or the State Fire Marshal or designee pursuant to Section 13146 of the Health and Safety Code.
- 2. The County shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the County before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to Section 17.36.070.C.1. If upon such review it appears that in a particular case a violation of the provisions of this chapter has occurred, the code enforcement officer may take such action as deemed necessary by the county attorney to correct any violation.

17.36.080 Compliance with State Law. This section is intended to comply with the

requirements of Section 65852.2 of the Government Code and any amendments thereto. All accessory and junior accessory dwelling units approved by this section are deemed to not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and accessory and junior accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designations for the lot.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

BOARD OF SUPERVISORS

PLANNING COMMITTEE

MINUTES

June 18, 2020

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 9537
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PRESENT: Chairman John Gray, Vice-Chair Karl Rodefer, Committee Members Mark Banks, Larry Beil, James Schmidt, and Ryan Relei

ABSENT: None

STAFF: Quincy Yaley, Community Development Department Director, Darrin Grossi, Executive Director of Tuolumne County Transportation Council

* * * * *

CALL TO ORDER/WELCOME:

Chairman Gray called the meeting of June 18, 2020, to order at 1:30.

Chairman Gray asked staff to roll call the Commission.

Chairman Gray: Aye
Vice-Chair Rodefer: Aye
Mark Banks: Aye
Larry Beil: Aye
James Schmidt: Aye
Ryan Relei: Aye

Chairman Gray indicated that there was a quorum.

1. PUBLIC FORUM

Chairman Gray asked if anyone in the audience wished to address the Committee during this portion of the meeting to speak on any issue not on the agenda. Seeing no one who wished to address the Committee at this time, he closed the public forum.

2. PLANNING COMMITTEE BUSINESS

A. Consideration of the minutes of the meeting of May 21, 2020.

It was moved and seconded to approve the minutes of May 21, 2020.

Chairman Gray: Aye
Vice-Chair Rodefer: Aye
Mark Banks: Aye
Larry Beil: Aye
James Schmidt: Aye
Ryan Relei: Aye

B. Reports- Staff and Committee Members

Chair Gray asked if there were any reports from Staff or Committee Members.

There were no reports made.

3. NEW ITEMS

A. Presentation on SB743 – Vehicle Miles Traveled Traffic Analysis

Darrin Grossi gave a PowerPoint presentation on the California Environmental Quality Act (CEQA) reform resulting from Senate Bill 743-Vehicle Miles Traveled (VMT). He noted that SB743 stated that Level of Service (LOS) can no longer be used to determine the significance of transportation impacts of projects. He stated that beginning July 1, 2020, all projects subject to CEQA review will be required to use VMT metric for analyzing transportation impacts. He noted that the CEQA guidelines encourages public agencies to establish thresholds of significance for determining VMT impacts, and that public agencies have to power to establish their own thresholds. He explained that the Office of Planning and Research (OPR) recommended Rural Agencies to evaluate impacts on a case by case basis and did not recommend any thresholds for Rural Agencies. He noted that a goal of SB743 is to help facilitate development that reduces Vehicle Miles Traveled. He explained that reducing VMT in Tuolumne County will require coordination between land use and transportation infrastructure. He relayed that establishing an easy, streamlined development process for projects that reduces VMT will help make it simpler for developers to build compact, mixed-use development in infill areas. He presented the three threshold options available to the County. Option 1 – OPR State-wide recommended thresholds; Option 2 – General Plan Future Year Growth Based Thresholds; Options 3 – Subarea Baseline Conditions Thresholds.

Chair Gray opened the public comment period and asked if there was anyone who wished to speak on the project. Seeing no one, he closed the public comment period and referred the item back to the Committee.

There Committee discussed the three possible threshold options. They determined that Option 1 was not a viable option because it was not consistent with the County General Plan and RTP and would not be reasonably achievable in the County. They also noted that Option 2 would not be recommended because it does not take into account the General Plan's Identified Communities and does not encourage development of "clustered communities."

It was recommended that Option 3 was the most appropriate threshold for the County to utilize when determining Vehicle Miles Traveled.

4. ADJOURNMENT

Chairman Gray adjourned the meeting.

Respectfully submitted,